

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Gale and Shelene Halvorson,)	
)	
Plaintiffs,)	Case No. 3:09-cv-75
)	
-vs-)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION, REMANDING
Auto-Owners Insurance Company and)	CASE, AND DISMISSING MOTION
Owners Insurance Company,)	TO DISMISS
)	
Defendants.)	

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that the case be remanded back to the Superior Court of the State of Arizona in Pima County (Doc. #144). Defendants have filed an objection, contending the case should be remanded to the district court in the State of North Dakota (Doc. #145). Plaintiffs have not filed an objection within the requisite period of time.

The Court has reviewed the Report and Recommendation, Defendants' objection, and the entire file, and finds the Magistrate Judge's recommendation is appropriate. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, in an exercise of discretion, the Court orders this case **REMANDED** to the Pima County Superior Court of Arizona.

The Court lacks jurisdiction to consider Defendants' motion to dismiss (Doc. #146), and therefore, **DISMISSES** the motion to dismiss without prejudice so that it may be addressed on remand.

The Clerk is directed to effectuate the remand and administratively close the case in this Court.

IT IS SO ORDERED.

Dated this 2nd day of January, 2014.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court